

Proposed 2011 Subdivision Regulation Amendments

Before County Planning Board 10/5/2011, 11/2/2011

Before City-County Planning Board 10/25/2011

II. GENERAL PROCEDURES

B. PRELIMINARY PLATS

1. Preliminary Plat Submission:

An application form for approval of the preliminary plat together with the appropriate review fee and one copy of the preliminary plat in 24"x36" format, ~~17 copies copy~~ of plat supplements, and ~~17 copies copy~~ of the plat in 11"x17" reduced format shall be submitted to the County Planning Office on the first day of the month preceding the month of the County Planning Board meeting date at which the application can be reviewed. If the preliminary plat is to be reviewed by the City-County Planning Board, the preliminary plat application must be received four weeks prior to the meeting at which it can be reviewed. All preliminary plat submissions must conform to the procedures and standards contained in these Regulations. An application may be withdrawn in writing by the application at any time during the review process.

4. Preliminary Plat (MCA 76-3-504):

a. **An environmental assessment** shall accompany the preliminary plat unless the subdivider has been exempted. Appendix A provides the format of and questions to be addressed in the environmental assessment.

(1) The requirement for preparing an environmental assessment does not apply when the application is the first minor subdivision created from a tract of record.

(2) All or any portion of the environmental assessment requirement may be waived by the Planning Board when the proposed subdivision conforms to an adopted Growth Management Plan, meets adopted zoning regulations, and is within a long-range development program of public works projects.

When such an exemption is granted, the Planning Board shall prepare a written statement of the reasons for granting the exemption. A copy of this statement shall accompany the preliminary plat of the subdivision when it is submitted for review. A request for such an exemption must be made by the subdivider in writing at least four weeks prior to the meeting of the Planning Board at which the request for exemption can be reviewed.

Comment [FM1]: Another option would be removing the Planning Board from the responsibility of granting the exemption and granting that responsibility to the Planner independent of the Board

10. Preliminary Plat Approval Period:

Upon approving or conditionally approving a preliminary plat, the governing body shall provide the subdivider with a dated and signed statement of such approval (MCA 76-3-604(5) and 76-3-620). This statement must also include a summation of public comment from the public hearing (76-3-604(6)(a)). This approval shall be in force for not less than one or more than three calendar years. At the end of this period the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time. Any agreed upon extension must be in writing and dated and signed by the governing body and the subdivider or subdivider’s agent. The governing body may issue more than one extension no more than one calendar year. The governing body may, however, extend its approval for a period of more than one year if that approval period is included as a specific condition of a written subdivision improvements agreement between the governing body and the subdivider (MCA 76-3-610(1)).

Comment [FM2]: Changes made in HB 522 in 2011 Legislative Session. May also want to add application for extension application and criteria.

After the preliminary plat is approved, the governing body may not impose any additional conditions as a prerequisite to final plat approval providing said approval is obtained within the original or extended approval period as provided above.

D. MINOR SUBDIVISIONS (MCA 76-3-609)

5. Summary Review:

A subdivision located outside of the Columbus-City County planning jurisdiction that qualifies under these Regulations as a first minor subdivision from a tract of record and which contains only one or two lots may be reviewed by the County Planner, or other designee of the County, who will make a recommendation to the County Commissioners in conformance with these Regulations (76-1-107, MCA).

III. DEFINITIONS

CONDOMINIUM: A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use of the other units. This term does not include a townhome or townhouse. Condominiums can be exempt from the subdivision review process pursuant to 76-3-203, MCA.

Comment [FM3]: Changes made to reflect 2011 Legislation HB 460, which amended 70-23-102, MCA.

TOWNHOME OR TOWNHOUSE: Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities. Townhomes and townhouses can be exempt from the subdivision review process pursuant to 76-3-203, MCA.

Comment [FM4]: To be inserted between "SURVEYOR (EXAMINING LAND SURVEYOR)" and "TRACT OF RECORD" in Subdivision Regulations.

Comment [FM5]: Changes made to reflect 2011 Legislation HB 460, which amended 70-23-102, MCA to include this definition.

IV: DESIGN AND IMPROVEMENT STANDARDS

I. STREETS, ROADS, ALLEYS, AND SIDEWALKS

1. Information regarding proposed roads must be submitted to the Planning Office with the subdivision application to include: length, width, turning radii, fill, base, sub-base, surfacing, and cross-section drawings. The governing body may require any or all of the following: paving, curb, gutter, alley construction and gravelling, sidewalks, drainage facilities, and paved connection to the nearest existing paving.

5. Street or Road Design:

n. Private Roads: The driving width of all private roads and bridges must be at least ~~20~~24-foot wide, and private roads must have provisions for maintenance, signage, and emergency access. Private roads must at a minimum meet the requirements for local streets in Table IV-3. An application for a variance must be submitted and approved for all private roads that deviate from design standards.

7. Sidewalks, when required by the governing body, shall be located to facilitate access to school bus stops whenever possible.

~~7~~8. General Improvements:

a. All roadway improvements including pavement, curbs, gutters, sidewalks, and drainage shall be constructed in accordance with the specifications and standards prescribed in these Regulations, the Montana Public Works Standard Specifications, the Town of Columbus Standards, and/or Stillwater County standards. Sidewalks in residential subdivisions shall be boulevard type.

b. In areas with severe soil limitations, aggregate surface thickness road design must be adjusted accordingly.

c. Existing trees and other vegetation shall be preserved where possible. The governing body may require plantings for buffering, screening, or soil erosion prevention.

d. Street name and traffic control signs shall be installed at all intersections and other appropriate locations as per direction of the County Road and Bridge Superintendent or Columbus Public Works Director.

e. If mail delivery will not be to each individual lot within the subdivision, the developer shall provide an off-street area for mail delivery within the subdivision in cooperation with the U.S. Postal Service and the jurisdiction having responsibility for the road. The governing body will not be responsible for maintaining or plowing any mail delivery area.

Comment [FM6]: Cleans it up, makes uniform with public road standards, and gives governing body more oversight of private road construction.

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89. Town of Columbus Standards:

The purpose of this section is to set out specific design standards which apply to the Town of Columbus and the surrounding zoning jurisdictional area.

a. In addition to the general standards found in Chapter IV of these Regulations, the Town of Columbus Standards for Public Works Improvements and the Rules and Regulations Governing Utility Services and Streets the following shall also apply:

(1) Design:

(a) Streets and roads in subdivisions shall meet the design specifications in Table IV-1 and Figures IV-1 and IV-2.

(b) Alleys shall be a minimum of 20 feet in width.

(c) Sidewalks or walkways shall be provided when required by the governing body and shall be a minimum width of 5 feet.

(d) The road cross section shown in Figure IV-1, may be utilized in proposed subdivisions when approved by the Town Public Works Director and the County Road and Bridge Superintendent.

(e) Rights-of-way for pedestrian walks, not less than 10 feet wide, shall be required where deemed essential to provide access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(f) Sidewalks, trails, and pedestrian right-of-ways shall follow the location and design standards set forth in the Columbus Area Trails Plan whenever possible.

Q. FIRE PROTECTION

3. Water Supply Requirements: All new subdivisions containing four or more lots shall provide for adequate water for fire protection by meeting either a, b, or c below for minimum water supply requirements. This includes ~~one lot~~subsequent minor subdivisions which bring the total number of lots in the existing subdivision to four or more~~within existing subdivisions that through subsequent lot splits or further resubdivision accumulate more than two~~ lots; such cumulative subdivisions must comply with all the requirements of this section such as maintenance, access, reimbursement, and determination of high and extreme fire hazard areas. Variances to these standards must follow the variance procedures outlined in Section II. G. 1. of

these Regulations. The governing body will rely on the recommendation of the FPAHJ when determining whether or not to grant a requested variance.

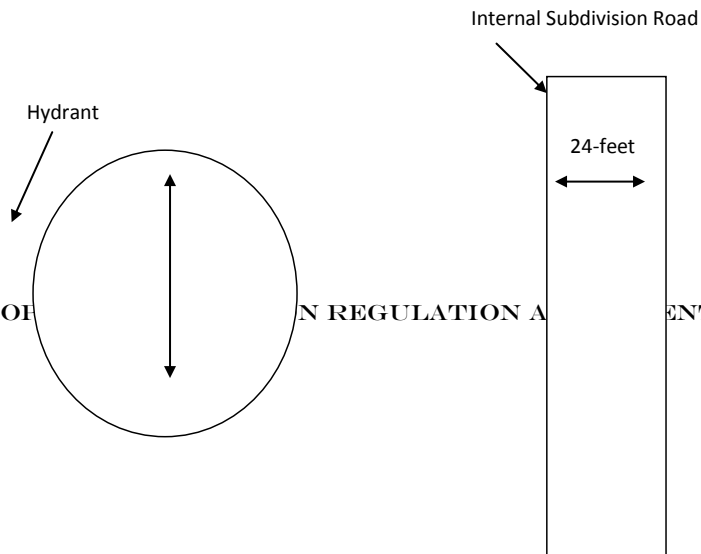
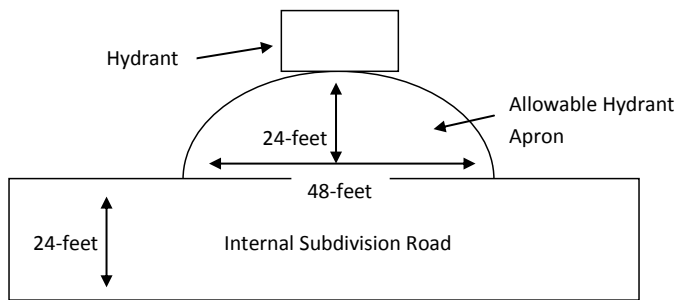
- a. a municipal water supply system meeting National Fire Protection Association (NFPA) standards or the current Montana fire code;
- b. a 10,000-gallon, year-round water source, approved by the FPAHJ, with a six-inch dry hydrant-type fitting capable of flowing 1000 gallons per minute (gpm) and a 2.5-inch dry hydrant-type fitting, located not more than 1000 feet from the furthest point of any structure in the subdivision. ~~Exceptions to the latter distance requirement shall be reviewed by the FPAHJ on a case-by-case basis. Where the FPAHJ feels that a variance is appropriate, it will make that recommendation to the Stillwater County Commission or Columbus Town Council, as appropriate;~~ or
- c. a 30,000-gallon, year-around water source, approved by the FPAHJ, with six-inch and 2.5-inch dry hydrant-type fittings (capable of flowing 1000 gallons per minute (gpm) located not more than one-half road mile from any dwelling in the subdivision.
- d. All dwellings in excess of 3600 square feet or over 35 feet from the lowest abutting ground level to the top of the highest part of the structure should have automatic sprinkler systems designed and certified by a professional licensed to design and install such systems.
- e. For buildings other than one- and two-family dwellings, the minimum fire flow and duration shall be as specified in Table H.5.1 of NFPA 1, Uniform Fire Code.
- f. An all-weather access road to and the apron area for the hydrant must at a minimum meet the design standards for a gravel road section as outlined in Figure IV-3~~be composed of six-inch minimum base of compacted three-inch minus gravel covered with four inches of three-quarter-inch minus crushed gravel. The access road must be 24-feet wide and the apron must have a 48-foot radius to allow for the passing and turning around of fire apparatus (see Figure IV-4 for examples of allowable hydrant aprons).~~ An 18- by 24-inch aluminum reflective sign with red letters on a white background attached to a standard County road sign post five feet above the ground and clearly visible from the access road must be provided. The sign must contain the words “Dry Fire Hydrant” and the address of the hydrant (obtained from the County GIS Department). The person designated by the County Commissioners to be the Dry Hydrant Liaison (DHL) must be invited to review the installation of the dry hydrant and the construction of the access road and apron; he/she will inspect the construction and installation upon completion and must be provided with as-built drawings of the facility. The DHL must coordinate his activities with the FPAHJ and provide a written summary of his findings and a

Comment [FM7]: Previously approved on a case-by-case basis with no apron and access size standards.

Comment [FM8]: With this new Figure IV-4, renumbering of subsequent figures will be necessary.

recommendation to the Planning Office, in order that this summary may become part of the decision-making process of the final plat.

Figure IV-4, Hydrant Aprons

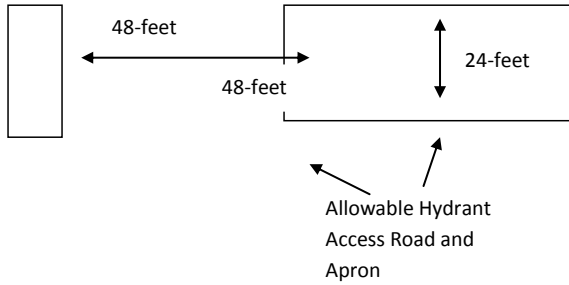


2011 PROFESSIONAL ENGINEERING REGULATION ADMINISTRATIVE RULES

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12. A fee must be paid at the time of submission of preliminary plat ~~and at the time of submission of final plat~~ to cover the cost of subdivision and fire fighting facilities plan review.

Comment [FM9]: The final fire fee was removed in the last round of Subdivision Regulation amendments and the preliminary fire fee was adjusted accordingly. This needs to reflect that change.

R. AIRPORT STANDARDS

For Subdivisions within the adopted Airspace Map for the Columbus ~~City County~~ Airport Woltermann Memorial, the following shall apply:

1. compliance with all applicable airport zoning height requirements, airspace maps, and related standards,
2. provision of an Air Navigation Easement (see Definitions Section).
3. notice of all subdivisions within the adopted airspace map for the airport will be provided to the FAA and Montana Aeronautics along with the other service providers

W. CONDOMINIUMS, TOWNHOMES, OR TOWNHOUSES

Comment [FM10]: Changes to reflect 2011 Legislation HB 460, which amended 76-3-203, MCA.

Unless exempted by section 76-3-203, MCA, all condominium, townhome, or townhouse developments are subdivisions subject to the terms of the MSPA as follows:

1. If no division of land will be created by a condominium, townhome, or townhouse subdivision, the subdivision must be reviewed under the procedures contained in the Section

dealing with Subdivisions Created by Rent or Lease, with the following exception: final approval will not be given until the subdivider has either installed all required improvements, or has entered into a subdivision improvements guaranty.

2. If a proposed condominium, townhome, or townhouse development will involve a division of land, the subdivision must be reviewed under the procedures contained in Section II.

3. Condominium, townhome, or townhouse developments must comply with applicable standards contained herein (Section IV, Design and Improvement Standards).

4. Condominium, townhome, or townhouse developments must also comply with all provisions of the Unit Ownership Act, Sections 70-23-102 through 70-23-703, MCA.

V. EVASION CRITERIA

B. EXEMPTION AS A GIFT OR SALE TO A MEMBER OF THE IMMEDIATE FAMILY (76-3-207(1)(b), MCA)

3. Filing of any certificate of survey (or recording of an instrument of conveyance) that would use this exemption to create a parcel for conveyance to a family member must show the following:

- a. name of the grantee;
- b. relationship to the landowner;
- c. the parcel to be conveyed under this exemption;
- d. the landowner's certification of compliance; and

~~e. the certificate of survey or instrument of conveyance shall be accompanied by a deed or other conveying document.~~

I. EXEMPTION FOR CERTAIN CONDOMINIUMS (MCA 76-3-203)

Condominiums, townhomes, or townhouses, as those terms are defined in 70-23-102, MCA, constructed on land divided in compliance with this chapter are exempt from the provisions of this chapter if:

1. The approval of the original division of land expressly contemplated the construction of the condominiums, townhomes, or townhouses and any applicable park dedication requirements in 76-3-621 are complied with; or

Comment [FM11]: Changes to reflect HB 460 from 2011 Legislative Session which amended 76-3-203, MCA.

Notary Public in and for the State of
Montana
Printed Name: _____
Residing in _____, Montana
My Commission expires: _____

APPROVAL PERIOD EXTENSION AGREEMENT
SUBDIVISION

THIS AGREEMENT, made and entered into this _____ day of _____, 20____ by and between _____, hereinafter referred to as "Subdivider" and **STILLWATER COUNTY, MONTANA**, hereinafter referred to as "County."

WITNESSETH:

THAT WHEREAS, a preliminary plat of an area known as _____ Subdivision, hereafter referred to as the "Subdivision" was approved by the Stillwater County Commission on _____, 20____ subject to certain conditions;

WHEREAS, 76-3-610, MCA states that approval of a preliminary plat must be in force for a maximum of three years unless extended by agreement between the subdivider and the governing body;

WHEREAS, in a letter dated _____, 20____, subdivider requested an additional one-year extension to the approval of the subdivision;

WHEREAS, 76-3-610, MCA states that an extension of subdivision approval must be in writing and signed by members of the governing body and the subdivider or subdivider's agent, and that the governing body may issue more than one extension;

NOW, THEREFORE, the parties to this Agreement agree to extend the approval for the subdivision for a period of _____ months. The approval now expires on _____ day of _____, 20____.

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

STATE OF MONTANA _____)
_____)SS

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Comment [FM13]: New Appendix

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County of _____)

On this _____ day of _____, 20____, before me, a Notary Public for the State of Montana, appeared _____, known to me to be the person who executed the within instrument and acknowledged to me that she executed the same.

Print

Notary Public for the State of Montana
Residing at _____
My commission expires _____

“COUNTY”
COUNTY OF STILLWATER
BOARD OF COUNTY COMMISSIONERS

By _____

By _____

By _____

Attest _____
County Clerk

Stillwater County Planning Department
PO Box 881 809 East 4th Avenue North
Columbus, MT 59019
Phone (406) 322-8050 Fax (406) 322-1118
stillwaterplanning@stillwater.mt.gov

APPLICATION FOR SUBDIVISION APPROVAL PERIOD EXTENSION

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Comment [FM14]: To be added to Appendix D: Forms

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TO BE COMPLETED BY APPLICANT AND ACCOMPANIED BY \$100 PROCESSING FEE:

NAME OF SUBDIVISION:

DATE OF ORIGINAL SUBDIVISION APPROVAL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

TAX ID#: _____

APPLICANT'S NAME, ADDRESS, AND CONTACT NUMBER:

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REASON(S) FOR APPROVAL PERIOD EXTENSION REQUEST (CHECK ALL THAT APPLY:

Weather Related

Construction Related

Other Agency Permitting

Financing

Other (Please explain):

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PLEASE ATTACH ANY INFORMATION SUPPORTING REASONS NOTED ABOVE AND/OR SHOWING PROGRESS TOWARD FINAL PLAT

I, the undersigned, am requesting that the Governing Body of Stillwater County consider granting an extension to the approval period for the above referenced subdivision, of which I am the owner. I understand that the granting of this extension is at the discretion of the Stillwater County Board of County Commissioners and that the consideration of this application does not guarantee the granting of an extension. Furthermore, I understand that in the event that this request is granted I will be required to enter into a written signed agreement with the Governing Body pursuant to the Stillwater County Subdivision Regulations and 76-3-610 (1), Montana Code Annotated.

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Signature of Applicant

Date

FEES TAKEN AT PLANNING OFFICE:

3.) Application fee for a subdivision preliminary plat review (major and minor):

- Major/minor plat review \$550+\$250/lot (lots 1-10~~lots~~);
(including amended plats) (lots 11-40~~lots~~: \$50/lot); (lots 41+~~lots~~:
\$25 lot)
- Final \$200

8.) Fire Department Review Fee:

- \$ variable

Preliminary Plat: \$100/lot (lots 1-10); \$50/lot for each lot in excess of 10. \$700 ~~(Plus \$50/lot for subdivisions in excess of 10 lots.)~~

~~Change or Variance:~~ \$75

Fire Protection System Testing: \$150 + \$10/hydrant

~~Final Plat~~ (No Fee)

